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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

JOHN SHEK,

No. C 11-00212 WHA

Plaintiff,

v.

**ORDER DENYING MOTION TO
STAY EXECUTION OF JUDGMENT
PENDING APPEAL**

NATIONAL LABOR RELATIONS
BOARD, REGION 32 and
CALIFORNIA NURSES ASSOCIATION/
C.H.E.U.,

Defendants.

_____ /

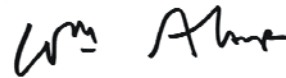
This matter was dismissed for lack of subject-matter jurisdiction and the case closed on July 7, 2011. Plaintiff John Shek now moves “to stay execution of judgment pending appeal.” The entirety of the motion states: “Pursuant to Federal Rule 60(b) plaintiff [] John Shek, hereby move for motion to stay execution order/judgment to dismiss enter on July 07, 2011. Plaintiff file this motion to stay execution of judgment pending appeal to Court of Appeal [sic]” (caps and bold omitted).

FRCP 60(b) concerns grounds for relief from a final judgment, order, or proceeding. This order cannot discern what relief plaintiff is seeking, but he may be seeking to prevent his case from being closed. This case is *already* closed. The order of dismissal stated, “Plaintiff’s next

1 step, if this case is to be pursued, is to file a timely notice of appeal and proceed to the court of
2 appeals.” That admonition remains. The motion, stating no grounds for relief, is **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: July 18, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE